

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

1/30/23

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

USPS Tracking Number
9505 5103 5273 3025 3770 13
Postmarked January 25, 2023

Case No.

3:23-mj-40

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

USPS Package, 9505 5103 5273 3025 3770 13 addressed to John Carter, 3577 Fielding Dr, Dayton, OH 45403, with a return address of Julian Torres, 13626 W Peck Ct, Litchfield Park, AZ 85340.
located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the possible distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments to pay for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a)(1)	Distribution and possession with intent to distribute a controlled substance.
21 USC 846	Conspiracy to distribute/possess with intent to distribute a controlled substance
21 USC 843(b)	Use of a communication facility to commit a felony

The application is based on these facts:
SEE ATTACHED AFFIDAVIT

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Brad M. Dorman

Applicant's signature

Brad M. Dorman, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone _____ (specify reliable electronic means).

Date: 1/30/23

City and state: Dayton, OH

Peter B. Silvain, Jr.
United States Magistrate Judge

Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF:
PRIORITY MAIL
PACKAGE TRACKING NUMBER
9505 5103 5273 3025 3770 13

3:23-mj-40

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **Brad M. Dorman**, being first duly sworn, hereby depose and state as follows:

1. I am a United States Postal Inspector and have been since August 2017. I am presently assigned to the Cincinnati Field Office of the United States Postal Inspection Service, Pittsburgh Division, with investigative responsibility for Southern District of Ohio. Part of my responsibility involves investigating the illicit use of the United States Mails in the transportation of narcotics, other dangerous controlled substances, and financial proceeds from, or instrumentalities used in, the sale of such narcotics and controlled substances (hereinafter, "Drugs and/or Proceeds").
2. Based on my prior training and experience as a United States Postal Inspector, I have become aware that drug traffickers frequently use United States Priority Mail Express (overnight) or Priority Mail (2-3-day) to transport Drugs and/or Proceeds. Additionally, as a result of prior investigations, law enforcement training, and successful controlled-substance prosecutions involving the use of the United States Mail, I have learned of certain common characteristics and/or circumstances that indicate that a particular package may contain Drugs and/or Proceeds. These circumstances and/or characteristics include, but are not necessarily limited to, the following: the mailer uses different post offices on the same day to send packages, the return address is false or non-existent, the addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, the labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanate from the package, and the listed address is located in an area of known or suspected drug activity.

3. On January 27, 2023, the U.S. Postal Inspection Service intercepted a package (hereinafter “the Package”) at the Cincinnati Network and Distribution Center (NDC) in Cincinnati, OH. The Package is a USPS Priority Mail Medium Flat Rate box, bearing tracking number **9505 5103 5273 3025 3770 13**, mailed from Post Office 85636 -- which is located in the Phoenix metro area -- postmarked January 25, 2023, with the following address information:

Sender: Julian Torres
13626 W Peck Ct
Litchfield, AZ 85340

Addressee: John Carter
3577 Fielding Dr
Dayton, OH 45403

Through training and experience as a Postal Inspector, I know that the Phoenix Metro area has been long known to be a drug source location.

4. I was able to perform a check in CLEAR for the recipient’s information listed on the Package of “John Carter, 3577 Fielding Dr, Dayton, OH 45403.” CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to CLEAR, there is no “John Carter” associated with 3577 Fielding Dr, Dayton, OH 45403.

5. I was able to perform a check in CLEAR for the sender’s information listed on the Package of “Julian Torres, 13626 W Peck Ct, Litchfield Park, AZ 85340.” According to CLEAR, there is no “Julian Torres” associated with 13626 W Peck Ct, Litchfield Park, AZ 85340.

6. On January 30, 2023, at the request of the U.S. Postal Inspection Service, K9 Officer Jeremy Stewart of the City of Dayton Police Department conducted a narcotics-detection canine “free air” check of the outside of the Package. An Inspector was present during said check. Prior to conducting the “free air” check, the Package was placed in a room with multiple similar and like packages. As set forth in the attached affidavit of K9 Officer Stewart, “Weston” alerted positively for the presence or odor of a narcotic or other controlled substance exuding from the Package. “Weston” is a properly trained and certified narcotics-detection canine.

7. Based on my prior law enforcement training and experience as a United States Postal Inspector, the Package's address information, including (i) failure to provide full and accurate information for the return address, (ii) failure to provide full and accurate information for the recipient address, and (iii) the positive alert of the narcotics-detection canine are all indicative of and consistent with Drugs and/or Proceeds being present in the Package.

Therefore, a search warrant to open the Package is requested.

Further, your affiant sayeth naught.

Respectfully submitted,

Brad M. Dorman

Brad M. Dorman

U.S. Postal Inspector

United States Postal Inspection Service

Subscribed and sworn to and before me this 30th day of January, 2023.


Peter B. Silvain, Jr.
United States Magistrate Judge





UNITED STATES POSTAL INSPECTION SERVICE

PITTSBURGH DIVISION

OFFICER AFFIDAVIT

I, Officer **JEREMY STEWART**, am and have been employed by the **DAYTON POLICE DEPARTMENT** since **2014**. Among other duties, I am currently the assigned handler of narcotics detection canine "**WESTON**" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

Marijuana, Cocaine, Methamphetamine, and Heroin

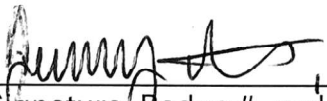
On **1/30/2023**, at the request of Postal Inspector **DORMAN**, I responded to the **DAYTON P.D.**, where "**WESTON**" did alert to and indicate upon: [describe item]

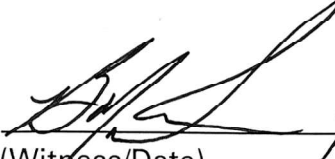
USPS Priority Mail Tracking # 9505 5103 5273 3025 3770 13

TO: John Carter
3577 Fielding Dr
Dayton, OH 45410

FROM: Julian Torres
13626 W Peck Ct
Litchfield Park, AZ 85340

Which, based upon my training and experience and that of "**WESTON**", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

 **28946, 1-30-23**
(Signature, Badge #, and Date)

 **1/30/2023**
(Witness/Date)